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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,248	12/09/1999	GEORGE NICHOLS	02103-365001	8624

7590 11/28/2001

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225 FRANKLIN STREET
BOSTON, MA 021102804

EXAMINER

NI, SUHAN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 11/28/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/458,248	Applicant(s) NICHOLS ET AL.	
	Examiner Suhan Ni	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 06 September 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the applicant's amendment dated 09/06/2001.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 5-6, 8, 10-12, 16-17, 21 and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Clauson et al. (US-6,179,359).

Regarding claims 1, 11 and 21, Clauson discloses an acoustic assembly for automobile comprising: an electro-acoustical transducer (44); and an acoustic element (12), separate from said transducer, and structured to improve the acoustic performance of said transducer; wherein said assembly is an element of a vehicle pillar (Fig. 1).

Regarding claims 5-6, 8, 10, 12, 16-17 and 23-24, Clauson further discloses the acoustic assembly, wherein said acoustic assembly is a sealed acoustic volume (Fig. 3) of an A-pillar (Fig. 1) as claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-4, 13-15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clauson et al. (US-6,179,359) in view of Yanagawa (US-4,509,184).

Regarding claims 2-4, 13-15 and 22, Clauson does not clearly show a waveguide as claimed. But Yanagawa discloses a stereo sound system for automobile comprising a waveguide (Figs. 3A and 4A). Therefore it would have been obvious to one skilled in the art at the time the invention was made to provide waveguide for the acoustic assembly taught by Clauson, in order to provide desirable acoustic sound for users.

4. Claims 7, 9, 18-20 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clauson et al. (US-6,179,359) in view of Murayama et al. (US-5,297,212).

Regarding claims 7, 9, 18, 20 and 25-29, Clauson does not clearly show a second or and third acoustic transducer as claimed. But Murayama discloses a loudspeaker system for automobile comprising at least a second transducer (1, 2). Therefore it would have been obvious to one skilled in the art at the time the invention was made to provide the second, or and third transducer for the acoustic assembly taught by Clauson as an alternate choice, for providing a better acoustic effect for the assembly.

Regarding claims 19, Clauson further discloses the acoustic assembly, wherein said acoustic assembly is a sealed acoustic volume (Fig. 3) of an A-pillar (Fig. 1) as claimed.

Response to Amendment

5. Applicant's arguments dated 09/06/2001 have been fully considered, but they are not deemed to be persuasive.

Regarding the arguments on page 3, the applicants state "the reference does not identify A-pillar 12 as an acoustic element". The examiner respectfully disagrees with applicants' opinion. An A-pillar 12 of cited reference (US-6,179,359) clearly is a part of an acoustic housing for the assembly and without such part of the housing or acoustic element, the assembly could not be operated properly. Regarding claim 25, the examiner is apologized for an error which claim 25 should be clearly grouped into the rejection for claims 7, 9, 18-20 and 26-29 with the same subject matter claimed.

Regarding the arguments on page 4 to claims 5-6, 8, 10, 12 16-17 and 23-24, the examiner respectfully disagrees with applicants' opinion. One skilled person in the art will clearly understand that the cited reference (US-6,179,359) does clearly show: the acoustic assembly having an acoustic volume (Figs. 1-3) as claimed in claims 5, 16 and 23 by the applicants; said acoustic volume being ported (Fig. 2, the port for the speaker) as claimed in claims 6 and 17; said acoustic volume being closed or sealed (Figs. 1-3) as claimed in claims 8 and 19; and said vehicle pillar is the A-pillar (Fig. 1) as claimed in claims 10, 12 and 24.

Regarding claims 2-4, 7, 9, 13-15, 18-20 22, 26-29, the applicants argue no motivation to combine the references. It is not necessary that the references actually suggest, expressly or in so many words the changes or improvements that applicants have made. The test for combining references is what the references as whole would have suggested to one of ordinary skilled in the

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art. *In re* Sheckler, 168 USPQ 716 (CCPA 1971); *In re* Mlaughlin 170 USPQ 209 (CCPA 1971); *In re* Young 159 USPQ 715 (CCPA 1968).

Conclusion

6. **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any response to this final action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

Or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE"), or

(703) 305-9508, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

**Receptionist, Sixth Floor,
Crystal Park II,
2121 Crystal Drive,
Arlington, Virginia 22202**

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Suhan Ni** whose telephone number is (703)-308-9322, and the number for fax machine is (703)-305-9508. If it is necessary, the examiner's supervisor, **Curtis Kuntz**, can be reached at (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

SN

November 18, 2001


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600